

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Jeffrey Martin DeLong,)	Civil Action No.: 2:22-1702-BHH
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
Medical University of South Carolina,)	
<i>et al.</i> ,)	
)	
Defendants.)	
_____)	

Plaintiff Jeffrey Martin DeLong (“Plaintiff”), appearing pro se, filed this action against his former employer, Medical University of South Carolina College of Medicine. In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2) (D.S.C.), this matter was referred to United States Magistrate Mary Gordon Baker for pre-trial handling and a Report and Recommendation (“Report”).

On December 20, 2022, Defendants filed a motion to dismiss. (ECF No. 26.) Despite being granted an extension of time to respond to Defendants’ motion, Plaintiff did not file a response. On February 28, 2023, therefore, Magistrate Judge Baker issued a Report, outlining the issues and recommending that the Court grant Defendants’ motion to dismiss and dismiss this matter with prejudice for lack of prosecution and for failure to comply with this Court’s orders, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and the factors outlined in *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920(4th Cir. 1982). See *Ballard v. Carlson*, 882 F.2d 93 (4th Cir. 1989). (ECF No. 32.) Attached to the Report was a notice advising the parties of the right to file written objections to the Report within fourteen days of being served with a copy. To date, no objections have been filed.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Here, because no objections were filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. After review, the Court finds no clear error and agrees with the Magistrate Judge’s findings and recommendations. Accordingly, the Court adopts and incorporates the Magistrate Judge’s Report (ECF No. 32); grants Defendants’ motion to dismiss (ECF No. 26); and dismisses this action with prejudice pursuant to Rule 41(b) and the factors outlined in *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920(4th Cir. 1982). .

IT IS SO ORDERED.

/s/Bruce H. Hendricks
United States District Judge

March 28, 2023
Charleston, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified that any right to appeal this Order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure.